

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

CASE NO. CR93-2090RJB

Plaintiff,

ORDER DENYING MOTION FOR
RECONSIDERATION

VINCENT GAMBOA,

Defendant.

This matter comes before the court on the defendant's Motion for Reconsideration (Dkt. 216). The court is familiar with the records and files herein.

Defendant makes no showing of a manifest error in the Order Denying Motion Pursuant to 3282 (c)(2) and Amendment 750 Requesting Sentence Reduction (Dkt. 214). Further, the defendant makes no showing of new facts or legal authority.

The court notes, in response to the motion, that the rule of lenity only applies where there are ambiguous rules of law, and there is no ambiguity in the rules of law that the court applied in

1 its order (Dkt. 214). Furthermore, defendant makes no showing that the changes in the crack
2 cocaine guidelines would in some way prevent him from qualifying as a career criminal.

3 As previously stated in Docket No. 214, "Unfortunately for Mr. Gamboa - and arguably
4 for the cause of justice - the court cannot order a resentencing or sentence reduction."

5 For the foregoing reasons, defendant's Motion for Reconsideration is DENIED.

6 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
7 to any party appearing *pro se* at said party's last known address.

8 Dated this 26th day of January, 2012.

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12 ROBERT J. BRYAN
13 United States District Judge
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